

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re BP p.l.c. Securities Litigation

This document relates to:

Alameda County Employees' Retirement Association v. BP p.l.c.

No. 4:10-md-02185

Avalon Holdings Inc. v. BP p.l.c.

No. 4:12-cv-01256 (cons.)

South Yorkshire Pensions Authority v. BP p.l.c.

No. 4:12-cv-03715

Mondrian Global Equity Fund, L.P. v. BP p.l.c.

No. 4:12-cv-02362 (cons.)

Stichting Pensionenfonds Metaal en Techniek v. BP p.l.c.

No. 4:12-cv-03621

HESTRA Super Fund v. BP p.l.c.

No. 4:13-cv-00069

New York City Employees' Retirement System v. BP p.l.c.

No. 4:13-cv-00129

Nova Scotia Health Employees' Pension Plan v. BP p.l.c.

No. 4:13-cv-01393

Arkansas Teacher Retirement System v. BP p.l.c.

No. 4:13-cv-03397

The Bank of America Pension Plan v. BP p.l.c.

No. 4:14-cv-00457

Deka Investment GmbH v. BP p.l.c.

No. 4:14-cv-01418

DiNapoli v. BP p.l.c.

No. 4:14-cv-01073

IBM United Kingdom Pension Trust Limited v. BP p.l.c.

No. 4:14-cv-01083

Merseyside Pension Fund v. BP p.l.c.

No. 4:14-cv-01279

Pension Reserves Investment Management Board of Mass. v. BP p.l.c.

No. 4:14-cv-01281

Universities Superannuation Scheme Ltd. v. BP p.l.c.

No. 4:14-cv-01084

Virginia Retirement System v. BP p.l.c.

No. 4:14-cv-01280

Washington State Investment Board v. BP p.l.c.

No. 4:14-cv-01085

No. 4:14-cv-00980

Honorable Keith P. Ellison

JURY TRIAL DEMANDED

ORAL ARGUMENT REQUESTED

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINTS

Pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1658(b), Defendants BP p.l.c., BP America Inc., BP Exploration & Production Inc., Anthony Hayward, Douglas Suttles, Andrew Inglis, H. Lamar McKay, Robert Dudley, Robert Malone, John Browne, Peter Sutherland, Carl-Henric Svanberg, and William Castell (collectively, “Defendants”) respectfully move to dismiss the amended complaints filed by Plaintiffs in the above-captioned actions.

Defendants move to dismiss (i) all “holder claims” based on alleged misstatements that occurred after an individual plaintiff’s last purchase of BP stock; (ii) all claims based on new alleged misstatements not previously addressed by the Court’s prior decisions; (iii) all claims alleged by plaintiffs in the DiNapoli and Massachusetts actions based on an unattributed statement about OMS in BP’s 2009 Sustainability Report that this Court has previously dismissed; (iv) negligent misstatement claims filed in Texas that are time-barred; (v) Exchange Act claims against Individual Defendants Andrew Inglis, Lord John Browne, Peter Sutherland, Carl-Henric Svanberg and William Castell, against whom no statements are actionable under Section 10(b) of the Exchange Act; and (vi) all claims against Individual Defendant Robert Malone, against whom no actionable statements are alleged.

The grounds for this motion are fully set forth in Defendants’ Memorandum of Law in Support of Their Motion to Dismiss Plaintiffs’ Amended Complaints, and supported by the Declaration of Georgia L. Lucier and its accompanying exhibits filed concurrently herewith.

Dated: September 28, 2016
Houston, Texas

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion has been served by electronic CM/ECF filing, on this 28th day of September, 2016.

/s/ Thomas W. Taylor

Thomas W. Taylor